U.S. DISTRICT COURT WESTERN DISTRICT OF LOUISIANA RECEIVED

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ROBERT H. SHE WELL, CLERK

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA LAKE CHARLES DIVISION

RANDY McDONALD

VERSUS

CIVIL ACTION NO. 2:05CV1448 JUDGE TRIMBLE MAG. JUDGE WILSON

WARDEN, LA STATE PENITENTIARY

CERTIFICATE OF APPEALABILITY

A final order having been filed in the above-captioned habeas case, the court, considering the record in this case and the requirements of 28 U.S.C. § 2253, hereby finds that:

The certificate of appealability is DENIED because the applicant has failed to demonstrate a substantial showing of the denial of a constitutional right.

___ The certificate of appealability is GRANTED for the below reasons:

The applicant has made a substantial showing that the following issues constitute a denial of a constitutional right:

Signed at Lake Charles, Louisiana, this 20 day of Mountage, 2006

JAMES T. TRIMBLE, JR. UNITED STATES DISTRICT JUDGE